

IC 4-1-10

Chapter 10. Release of Social Security Number

IC 4-1-10-1

Applicability

Sec. 1. This chapter applies after June 30, 2006.

As added by P.L.91-2005, SEC.1.

IC 4-1-10-2

"State agency"

Sec. 2. As used in this chapter, "state agency" means an authority, a board, a branch, a commission, a committee, a department, a division, or another instrumentality of the executive, including the administrative, department of state government. Except as provided in subdivision (4), the term does not include the judicial or legislative department of state government. The term includes the following:

- (1) A state elected official's office.
- (2) A state educational institution (as defined in IC 20-12-0.5-1).
- (3) A body corporate and politic of the state created by state statute.
- (4) The Indiana lobby registration commission established by IC 2-7-1.6-1.

As added by P.L.91-2005, SEC.1.

IC 4-1-10-3

Nondisclosure of Social Security number

Sec. 3. (a) For purposes of this section, disclosure of the last four (4) digits of an individual's Social Security number is not a disclosure of the individual's Social Security number.

(b) Except as provided in section 4 or 5 of this chapter, a state agency may not disclose an individual's Social Security number.

As added by P.L.91-2005, SEC.1.

IC 4-1-10-4

Exceptions to nondisclosures of Social Security number

Sec. 4. Unless prohibited by state law, federal law, or court order, the following apply:

- (1) A state agency may disclose the Social Security number of an individual to a state, local, or federal agency.
- (2) A state law enforcement agency may, for purposes of furthering an investigation, disclose the Social Security number of an individual to any individual, state, local, or federal agency, or other legal entity.

As added by P.L.91-2005, SEC.1.

IC 4-1-10-5

Permitted disclosures of Social Security number

Sec. 5. A state agency may disclose the Social Security number of

an individual if any of the following apply:

- (1) The disclosure of the Social Security number is expressly required by state law, federal law, or a court order.
- (2) The individual expressly consents in writing to the disclosure of the individual's Social Security number.
- (3) The disclosure of the Social Security number is:
 - (A) made to comply with:
 - (i) the USA Patriot Act of 2001 (P.L. 107-56); or
 - (ii) Presidential Executive Order 13224; or
 - (B) to a commercial entity for the permissible uses set forth in the:
 - (i) Drivers Privacy Protection Act (18 U.S.C. 2721 et seq.);
 - (ii) Fair Credit Reporting Act (15 U.S.C. 1681 et seq.); or
 - (iii) Financial Modernization Act of 1999 (15 U.S.C. 6801 et seq.).
- (4) The disclosure of the Social Security number is for the purpose of administration of a state agency employee's or the state agency employee's dependent's health benefits.

As added by P.L.91-2005, SEC.1.

IC 4-1-10-6

State agency compliance

Sec. 6. A state agency complies with section 3 of this chapter if the agency:

- (1) removes; or
- (2) completely and permanently obscures;

a Social Security number on a public record before disclosing the public record.

As added by P.L.91-2005, SEC.1.

IC 4-1-10-7

Impermissible disclosure of Social Security number; required notice

Sec. 7. If a state agency releases a Social Security number in violation of this chapter, the agency shall provide notice to the person whose Social Security number was disclosed in the manner set forth in IC 4-1-11.

As added by P.L.91-2005, SEC.1.

IC 4-1-10-8

Criminal disclosures of Social Security number; Class D felony

Sec. 8. An employee of a state agency who knowingly, intentionally, or recklessly discloses a Social Security number in violation of this chapter commits a Class D felony.

As added by P.L.91-2005, SEC.1.

IC 4-1-10-9

False representation to obtain Social Security number; Class D felony

Sec. 9. A person who knowingly, intentionally, or recklessly makes a false representation to a state agency to obtain a Social Security number from the state agency commits a Class D felony.
As added by P.L.91-2005, SEC.1.

IC 4-1-10-10

Negligent disclosure of Social Security number; Class A infraction

Sec. 10. An employee of a state agency who negligently discloses a Social Security number in violation of this chapter commits a Class A infraction.

As added by P.L.91-2005, SEC.1.

IC 4-1-10-11

Attorney general investigation of disclosures; notice to county prosecutor and state police

Sec. 11. (a) The attorney general may investigate any allegation that a Social Security number was disclosed in violation of this chapter.

(b) If the attorney general determines that there is evidence that a state employee committed a criminal act under section 8 or 9 of this chapter, the attorney general shall report the attorney general's findings to:

- (1) the prosecuting attorney in the county where the criminal act occurred; and
- (2) the state police department.

As added by P.L.91-2005, SEC.1.

IC 4-1-10-12

Attorney general determination of infraction; report to appointing authority and county prosecutor

Sec. 12. If the attorney general determines that there is evidence that a state employee committed an infraction under section 10 of this chapter, the attorney general:

- (1) shall report the attorney general's findings to the appointing authority (as defined in IC 4-2-6-1) of the agency that employs the employee; and
- (2) may report the attorney general's findings to the local prosecuting attorney in the county where the infraction occurred.

As added by P.L.91-2005, SEC.1.

IC 4-1-10-13

Attorney general rulemaking authority

Sec. 13. The attorney general may adopt rules under IC 4-22-2 that the attorney general considers necessary to carry out this chapter.

As added by P.L.91-2005, SEC.1.